

BR

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AUG 13 2008 TC
Aug 13, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

vs.

MARLIN MARTINEZ

)
)
) General Case No. 08 CR 208-2
)
) Judge John W. Darrah
)
)

MOTION TO CONTINUE TRIAL

Now comes the Defendant, MARLIN MARTINEZ, by and through her attorneys, DAVID G. PUGH and the law firm of PUGH AND PAYNE, P.C., and moves this Honorable Court to continue the trial date from August 25, 2008 to a date convenient with Court and counsel. In support thereof, Defendant states as follows:

1. The Defendant, MARLIN MARTINEZ, stands charged with six counts of Wire Fraud pursuant to 18 U.S.C. § 2 and 1343.
2. On May 29, 2008 this matter came to be heard for status, and a trial date of August 25, 2008 was set.
3. Counsel for the Defendant and the Government have been actively negotiating a plea resolution of this matter, but no resolution has yet materialized.
4. On August 7, 2008, Secret Service agents questioned Oscar Martinez, the husband of the Defendant relevant to this case.
5. On August 11, 2008, the Government tendered a copy of a subpoena served on Oscar Martinez to Defense Counsel by facsimile.
6. A report of the Secret Service's interview with Oscar Martinez was not tendered to the Defendant until August 12, 2008, less than two weeks prior to trial.

7. The Defense would be prejudiced by not having adequate time to prepare for the cross examination of this new potential witness for the Government.
8. In addition, Defense Counsel spoke to said witness in his office on August 12, 2008 regarding such witness' interview with the Secret Service, and said witness expressed his desire to obtain separate counsel to represent his interests in this matter.
9. The Government does not object to this continuance, and is not prejudiced by continuing this trial.

WHEREFORE, Defendant prays that this Honorable Court continue this matter for trial to date convenient with Court and Counsel..

Respectfully submitted,



David G. Pugh
Attorney for the Defendant
PUGH AND PAYNE, P.C.
7257 W. Touhy Ave., Suite 202
Chicago, Illinois 60631
773.467.8991 [tel]
773.467.8992 [fax]
ARDC No. 6273492

CERTIFICATE OF SERVICE

The undersigned Attorney hereby certifies that the following document:

MOTION TO CONTINUE TRIAL

was served on August ¹³~~20~~, 2008 by facsimile and email, in accordance with FED. R. CIV. P. 5, LR5.5, and as an express exception to the General Order on Electronic Case Filing pursuant to the District Court's Electronic Case Filing (ECF) system as to ECF filers.

By,



David G. Pugh
Attorney for the Defendant
PUGH AND PAYNE, P.C.
7257 W. Touhy Ave., Suite 202
Chicago, Illinois 60631
773.467.8991 [tel]
773.467.8992 [fax]
ARDC No. 6273492